

Art Unit: 1796

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 21-38 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

This is New Matter rejection since the recited "and maintaining the pressure" in claim 21 does not have support since page 5, lines 9-10 reads "more particularly to about 145°C, and held at this temperature for a period of time sufficient to dissolve the desired yield of nylon. Surprisingly, this use of increased".

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-38 are rejected under 35 U.S.C. 103(a) as obvious over Yang et al (US 6,036,726).

Rejection is maintained for reason of record with following response.

Yang et al teach recycling post-consumer materials containing polyamides at col. 1, lines 11-15, and thus use of said post-consumer materials in example 11 would be a *prima facie*

obviousness contrary to applicant's assertion. see *In re Mills*, 477 F2d 649, 176 USPQ 196 (CCPA 1972); Reference must be considered for all that it discloses and must not be limited to its preferred embodiments or working examples.

100% dissolution is not claimed limitation, and claims 21-37 are silent as to any % dissolution. Furthermore, claim 38 recites a minimum of 82% dissolution, and applicant failed to show that Test 1 and 4 in table 6 do not have said 82% dissolution.

Holding at the given temperature (140-°C) for a certain period of time (30 or 5 minutes) is taught at col. 13, lines 6-8 which is basically taught by applicant at page 5, lines 9-10 of specification.

Applicant asserts presence of other materials in said post-consumer materials which would affect dissolution, and use of said post-consumer materials in the process of example 11 would achieve similar results. However, Yang et al further teach use of said post-consumer materials in example 12 and table 9 shows only presence of a minute amount of other material. Melting point of polypropylene and glass transition temperature of SBR are lower than the melting point of nylon, and thus said polypropylene and SBR would be dissolved a way before dissolution of nylon, and yielding similar results contrary to applicant's assertion.

Yang et al teach that the dissolution process was successful with each of theses post-consumer carpet samples at col. 14, lines 14-15, and applicant failed to show example 12 does not meet claim 38 for a minimum of 82% dissolution (again, claims 21-37 do not require any particular % dissolution contrary to applicant's assertion.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tae H. Yoon whose telephone number is (571) 272-1128. The examiner can normally be reached on Mon-Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tae H Yoon
Primary Examiner
Art Unit 1796

THY/June 12, 2008

/Tae H Yoon/